

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN MINERVINI,

Plaintiff,

v.

J.P. MORGAN CHASE,

Defendant.

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: <u>5/19/09</u>

ECF CASE

09 Civ. 515 (PGG) (HBP)

ORDER

PAUL G. GARDEPHE, U.S.D.J.:

Based on this Court's consultation with counsel for the parties at the May 15, 2009 pretrial conference, it is hereby ORDERED that the following paragraphs shall replace paragraphs 6–10 of the March 6, 2009 Civil Case Management Plan and Scheduling Order:

6. The parties must complete fact discovery no later than **July 29, 2009**.
7. If all parties consent in writing, they may extend the following interim deadlines without application to this Court, provided that the parties complete all fact discovery by the date set forth in paragraph 6. Under this Order's interim deadlines, the parties must:
 - a. Serve initial requests for production of documents by **April 3, 2009**.
 - b. Serve interrogatories by **April 3, 2009**.
 - c. Complete depositions of fact witnesses by **July 29, 2009**.
 - i. Unless the parties agree or this Court so orders, the parties may not hold depositions until all parties have responded to initial requests for document production.
 - ii. There is no priority in deposition by reason of a party's status as plaintiff or defendant.
 - iii. Unless the parties agree or this Court so orders, non-party depositions must follow initial party depositions.
 - iv. Consistent with Federal Rule of Civil Procedure 30(d), the parties may not extend depositions beyond one business day without prior leave of this Court.

- d. Serve requests to admit no later than **July 29, 2009**.
- 8. Expert Testimony: If all parties consent in writing, they may extend the following interim deadlines without application to this Court, provided that the parties complete all expert discovery by the date set forth in paragraph 8(c).
 - a. Every party-proponent that intends to offer expert testimony in respect of a claim – including any counterclaim, cross-claim or third-party claim – must make the disclosures required by Federal Rule of Civil Procedure 26(a)(2) by **July 29, 2009**. Every party-opponent of such claim that intends to offer expert testimony in respect of such claim must make the disclosures required by Federal Rule of Civil Procedure 26(a)(2) by **August 19, 2009**.
 - b. No party may offer expert testimony – whether designated as “rebuttal” or otherwise – beyond the scope of the opinions that the aforesaid disclosures cover, except with leave of this Court, application for which must be made no later than 7 calendar days after the latter of the dates specified in paragraph 8(a). The parties may depose all experts, but such depositions must occur within the time limit set forth for expert discovery in paragraph 8(c).
 - c. All expert discovery – including expert depositions, if any – must be completed no later than **September 10, 2009**.
 - d. Plaintiff anticipates retaining expert witnesses on liability and damages.
 - e. Defendant anticipates retaining expert witnesses on liability and damages.
- 9. Settlement: No later than 14 days following the close of fact discovery, all counsel must meet face-to-face for at least one hour to discuss settlement.
- 10. Parties may make post-discovery dispositive motions in accordance with this Court’s Individual Practices and the following schedule:
 - a. Parties must serve moving papers, if any, by **September 25, 2009**.
 - b. Parties must serve opposition papers, if any, by **October 9, 2009**.
 - c. Parties must serve reply papers, if any, by **October 19, 2009**.

Dated: New York, New York
May 19, 2009

SO ORDERED.

Paul G. Gardephe
Paul G. Gardephe
United States District Judge